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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,649	02/24/2004	Stefan Hiesener	4640	2988

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EXAMINER

MICHENER, JOSHUA J

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/786,649

Applicant(s)

HIESENER, STEFAN

Examiner

Joshua J. Michener

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-19 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/13/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 – 4, 7, 9, 10 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Schumacher et al. (US 5,829,836).**
3. For claim 1, Schumacher et al. discloses a seating group of passenger seats for an aircraft cabin consisting of at least a row of foldable passenger seats (figure 4) that each comprise of a seat back and a tiltable seat bottom which is tiltable relative to said seat back between a normal seating position and an upright stowed position (column 6, lines 55 – 65) wherein it is inherent that the width of an aisle bounded by said row of foldable passenger seats in said longitudinal direction is variable with a relatively larger width when said tiltable seat bottoms are respectively tilted to said upright stowed position and a relatively smaller width when said tiltable seat bottoms are respectively tilted to said normal seating position. Further, it is inherent for a passenger aircraft to consist of a passenger cabin that has an exit and is equipped with plural rows of passenger seats arranged spaced apart one behind another at a prescribed seat spacing in a longitudinal direction of said aircraft, and at least one transverse aisle extending transversely relative to said longitudinal direction and leading to said exit along one of said rows of passenger seats.

4. For claim 2, Schumacher et al. discloses the seating arrangement of claim 1 wherein each one of said foldable passenger seats further comprises a tiltable armrest (figure 4) which is tiltable relative to said seat back between a normal use position and an upright stowed position (column 6, lines 55 – 65).

5. For claim 3, Schumacher et al. discloses the seating arrangement of claim 2 wherein said seat bottom extends substantially horizontally in said normal seating position and substantially vertically in said upright stowed position, and wherein said armrest extends substantially horizontally in said normal use position and substantially vertically in said upright stowed position.

6. For claim 4, Schumacher et al. discloses the seating arrangement of claim 1 wherein said seat bottom extends substantially horizontally in said normal seating position and substantially vertically in said upright stowed position.

7. For claim 7, Schumacher et al. discloses the seating arrangement of claim 1 wherein it would be inherent that the relatively larger width of said transverse aisle is equal to or exceeds a regulatory prescribed minimum aisle width for said transverse aisle leading to an emergency exit due to Federal Aviation Administration (FAA) regulations (section 121.310).

8. For claim 9, Schumacher et al. discloses the seating arrangement of claim 1 wherein it is inherent that a passenger transport aircraft has a transverse aisle leading to an emergency exit due to FAA regulations (section 121.310).

9. For claim 10, Schumacher et al. discloses the seating arrangement of claim 9 wherein it is inherent for a passenger transport aircraft to have a transverse aisle leading to a normal use exit. Further, the teachings of Schumacher et al. do not limit the location of foldable passenger seats.

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It is conceivable such rows of foldable passenger seats are located anywhere throughout a passenger cabin because their intended use is to free floor area for stowing carry-on luggage while leaving free aisle space for other passengers to move by (column 6, line 63). Thus, it is anticipated that a row of foldable seats are arranged bordering on and facing toward said normal-use transverse aisle.

10. For claims 11 - 13, Schumacher et al. discloses the seating arrangements of claims 1, 9 and 10 wherein at least one seat group has a tiltable seat. Thus, other seating groups may not have tilting seats in other rows. (column 6, lines 55-56).

11. For claim 14, Schumacher et al. discloses the seating arrangement of claim 1 wherein it is inherent that a passenger aircraft comprises of a non-emergency normal-use exit and transverse aisle for use as the normal-use exit aisle for normal boarding and deplaning of passengers through said non-emergency normal-use exit.

12. For claims 15 and 16, Schumacher et al. discloses the seating arrangement of claim 1 wherein it is inherent that a passenger aircraft comprises of a passenger cabin further having a longitudinal aisle extending in said longitudinal direction between groups of said rows of said passenger seats on two opposite sides of said longitudinal aisle. Further, the teachings of Schumacher et al. do not limit the location or orientation of the foldable/non-foldable seating arrangement disclosed. Lastly, the intended use of foldable passenger seats is to free floor area for stowing carry-on luggage while leaving the longitudinal aisle free for other passengers to move by (column 6, line 63). Thus, it is anticipated the seating arrangement further includes respective individual ones of said foldable passenger seats arranged adjacent or nonadjacent to

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said longitudinal aisle respectively in said rows of said passenger seats in said groups on said opposite sides of said longitudinal aisle.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schumacher et al.

15. For claims 17 – 19, Schumacher et al. discloses the seating arrangement of claim 1 wherein it is well known in the art that a seating pitch on most commercial passenger airliners depends upon the class in which you sit starting with the standard smallest pitch in economy and progressively increasing to first class. Thus, it would have been obvious for one of ordinary skill in the art at the time the invention was made to implement the seating arrangement of Schumacher et al. to the standard seating pitch governed by smallest pitch and progressively increase to 25% or 33% depending upon the class in which you sit in order to provide the same level of comfort and space for which the passenger pays for and expects.

16. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schumacher et al. as applied to claim 1 above, and further in view of Henrikson (3,589,762).

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17. For claims 5 and 6, Schumacher et al. discloses the seating arrangement of claim 1, but fails to teach of automatically tiltable seats. Henrikson discloses an automatic retracting chair. Thus, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Schumacher et al. to comprise of automatically tiltable chairs in order to make it easier for one to let others pass when attempting to move to their seats.

Allowable Subject Matter

18. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

19. Applicant's argument see pages 2 & 3, filed May 13, 2005, with respect to the rejection(s) of claim(s) 1 - 19 under 102(b) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references which are found above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua J. Michener whose telephone number is 571-272-1467. The examiner can normally be reached on Monday through Friday 7-4.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joshua J Michener
Examiner
Art Unit 3644

jjm



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SUPERVISORY
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